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Edmund G. Brown Jr.

Arnold Schwarzenegger

Governor

2 January 2019 21 March 2007

Mr. **Steve Azevedo Ben Carlson**

Knife River Construction Baldwin Contracting Company, Inc.

1764 Skyway

Chico, CA 95928

**AMENDED ACTION ON REQUEST FOR CLEAN WATER ACT §401 WATER QUALITY
CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE
STONY CREEK TEMPORARY CROSSING PROJECT, WDID NO. 5A11CR00009A1,
ORLAND, GLENN COUNTY**

ACTION:

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-conditioned Certification
3. ☐ Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. The Discharger shall notify the Regional Water Board in writing within 7 days of project completion.

California Environmental Protection Agency

ADDITIONAL CONDITIONS (for Certification Action 2):

In addition to the four standard conditions, the applicant shall satisfy the following:

1. Discharger shall notify the Regional Water Board in writing of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps of Engineers (Corps) under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The discharge of petroleum products or other excavated materials to surface waters is prohibited.
4. Activities shall not cause turbidity increases in surface waters to exceed:
 - (a) Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;
 - (b) Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (c) Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (d) Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

5. Activities shall not cause settleable matter to exceed 0.1 ml/L in surface waters as measured in surface waters 300 feet downstream from the project.
6. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
7. All areas disturbed by project activities shall be protected from washout or erosion.
8. In the event that project activities result in the deposition of soil materials or creation of a visible plume in surface waters, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site and the results reported to this office within two weeks:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/L	Grab	Same as above.
<u>Visible construction related pollutants¹</u>	<u>Observation</u>	<u>Visual Inspections</u>	<u>Continuous throughout the construction period</u>

9. Discharger shall notify the Regional Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
10. Discharger shall notify the Regional Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes §401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
12. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
13. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
14. Discharger complies with all Department of Fish and Game 1600 requirements for the project as required in Lake & Streambed Alteration Agreement #1600-2001-0195-R2. Discharger shall comply with all requirements of Corps §404 Letter of Permission reference #SPK-2007-~~00391~~ ~~391-RQ~~.
15. If the project exceeds one acre or more of disturbed area, Discharger must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.

¹Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

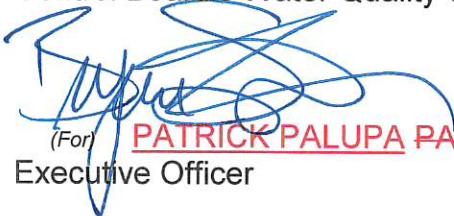
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Scott A. Zaitz, R.E.H.S., Redding Branch Office, 364 415 Knollcrest Drive, Suite 205 400, Redding, California 96002, (530) 224-4784, Scott.Zaitz@waterboards.ca.gov
szaitz@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby issue an amended order certifying that any discharge from the Stony Creek Temporary Crossing Project (WDID No. 5A11CR00009A1) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under Regional Board Resolution No. R5-2003-0008 "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge: Type 12 Projects for which Water Quality Certification is issued by the Regional Board*", which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



(For) PATRICK PALUPA ~~PAMELA C. CREEDON~~
Executive Officer

SAZ: lx ~~reb~~

Enclosure: Project Information

cc: Mr. Matt Kelley Kelly, U.S. Army Corp of Engineers, Redding
U.S. Fish and Wildlife Service, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
State Water Resources Control Board, Certification Unit, Sacramento
Yasha Saber, Compass Land Group, 3140 Peacekeeper Way, Suite 102, McClellan, CA 95652
~~Mr. Mark Wuestehube, North State Resources, Inc., Chico~~

PROJECT INFORMATION

Application Date: 14 February 2007

Amended Application Date: 2 October 2018

Applicant: ~~Knife River Construction Baldwin Contracting Company, Inc.~~, 1764 Skyway, Chico, CA 95928. Attn: Mr. ~~Steve Azevedo Ben Carlson~~.

Applicant Representatives: ~~Compass Land Group, Yasha Saber, 3140 Peacekeeper Way, Suite 102, McClellan, CA 95652~~
~~Northstate Resources, Inc., 500 Orient Street, Suite 150, Chico, CA 95928. Attn: Mr. Mark Wuestehube.~~

Project Name: Stony Creek Temporary Crossing Project

Regional Board: Central Valley Regional Water Quality Board-Redding Branch Office

Regional Board Application Number: WDID No. 5A11CR00009A1

U.S. Corps Application Number: SPK-2007-00391 ~~391-R0~~

Type of Project: Temporary stream crossings and a temporary haul road would be installed for access between the Hambright Mine and Hunt East Mine ~~the terrace mining pit and to~~ the aggregate processing plant.

Project Location: Orland Gravel Plant near the City of Orland, Section 9, Township 22N, Range 3W, M.D.B.&M.

Latitude: 39.772 ~~39°46'23.56"N~~ and Longitude: -122.207 ~~122°12'28.84"W~~

County: Glenn

Receiving Water (hydrologic unit): Stony Creek, which is a tributary to the Sacramento River. Colusa Creek Hydrologic Unit- Colusa Trough Hydrologic Area No. 520.21.

Water Body Type: Un-vegetated streambed

Designated Beneficial Uses: The Basin Plan for the Central Valley Regional Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Agricultural Supply (AGR); Hydropower Generation (POW); Water Contact Recreation (REC-1); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

Project Description (purpose/goal): Discharger proposes to install a temporary stream crossing and a temporary haul road for access between the Hambright Mine and Hunt East Mine the terrace mining pit to the aggregate and the processing plant. The Discharger currently mines and transports sand and gravel materials from its Hambright Mine to its aggregate processing plant north of Stony Creek via a temporary haul road and associated crossings that are authorized under an Army Corp of Engineers Letter of Permission (LOP) and a Section 401 Water Quality Certification WDID #5A11CR00009 (401 WQC). The amended 401 WQC will extend coverage to a new segment of temporary haul road that will provide connectivity from the recently permitted Hunt East Mine located east of Interstate 5 and south of Stony Creek to the aggregate processing plant.

The proposed project Action will would utilize two types of stream crossings: bridge (rail car) and 24-inch diameter Advanced Drainage Systems, Inc. (ADS) polyethylene pipe culverts. The active channel through the project area changes annually, but typically consists of one larger main channel and multiple smaller channels. The main channel will would be spanned using a rail car bridge, which will would be placed high enough above the stream to pass maximum flows and debris. The rail car bridge will would have barriers or bumpers to prevent material from sloughing from the bridge into the stream channel. Temporary concrete abutments (approximately 20' x 4') will would be installed on each side of the bridge alignment and a crane used to place the rail car bridge on top of the abutments. The elevation of the haul road in Stony Creek will would be built-up approximately 2-3 feet by placing stream gravels over an approximately 150-foot approach to the bridge. Culverts will would be installed below grade at a depth equal to or greater than 20 percent of the pipe diameter. All stream crossing will would be designed to allow unimpeded fish passage. Culverts will would be maintained and kept open while in place and any ponding will be corrected immediately.

The temporary haul road will tie into and utilize the existing temporary haul road and crossings that connect Hambright Mine to the aggregate plant site. The haul road will provide 20-foot lane widths in each direction. Native gravels or imported washed gravels may be used to surface the road. Approximately 36 inches of gravel will be removed and placed in windrows to create berms against the bridge girders for added bridge protection or stockpiled adjacent to the haul road within the project area. Project implementation will begin on 15 May and be removed by 31 October of each year.

Preliminary Water Quality Concerns: Turbidity, suspended matter, settleable matter, and various pollutants associated with construction activities.

Proposed Mitigation to Address Concerns: Discharger will implement Best Management Practices (BMPs) to control sedimentation and erosion. All disturbed areas must have an effective combination of erosion and sediment control BMPs in place during the rainy season. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Discharger will conduct turbidity and settleable matter testing during water work, stopping work if Basin Plan criteria are exceeded and/or observed.

Fill/Excavation Area: This project will not permanently impact any portion of the project area. Temporary impacts total 2.06 0.794 acres (2,571 950 linear feet) of un-vegetated streambed.

Dredge Volume: An estimated 500 cubic yards ~~Enough material~~ will be dredged from each channel(s) to allow for the 24-inch diameter polyethylene pipes to be installed below grade at a depth equal to or greater than 20 percent of the pipe diameter.

U.S. Army Corps of Engineers Permit Number: The applicant proposes to use a Letter of Permission (LOP) for this project. The applicant must comply with all of the conditions of the U.S. Army Corps of Engineers Permit reference No. SPK-2007-00391 ~~391-RO~~.

Regional Water Board Public Notice: Information regarding this project was noticed on the Central Valley Water Board's website from 16 February 2007 to 9 March 2007. No comments were received.

Department of Fish & Game Streambed Alteration Agreement: ~~Discharger requested an extension for Streambed Alteration Agreement #R2-2001-0195 with the Department of Fish and Game on 12 January 2007. The Department of Fish and Wildlife granted an extension for the Streambed Alteration Agreement #R2-2001-0195 on 6 May 2015.~~ The extension was granted until 31 December 2019 ~~31 October 2007~~ and the Lake and Streambed Alteration Agreement was renumbered to #1600-2001-0195-R2.

Possible Listed Species: Based on an assessment of the proximity, probability, and magnitude of potential direct, indirect and cumulative impacts to federally listed anadromous salmonids, it is determined that the Proposed Action will have no effect on Central Valley spring-run Evolutionary Significant Unit (ESU) Chinook salmon and associated designated critical habitat or Sacramento River winter-run ESU Chinook salmon. The Proposed Action may affect, but is not likely to adversely affect, California Central Valley steelhead Distinct Population Segment (DPS) and would not adversely modify associated designated critical habitat. In addition, it is determined that the proposed project is not likely to adversely affect nor significantly diminish or disrupt Essential Fish Habitat (EFH) for Chinook Salmon.

Status of CEQA Compliance: The Glenn County Planning Department signed a Notice of Determination on 19 November 1986 approving a Negative Declaration stating the project will not have a significant effect on the environment.

Compensatory Mitigation: The applicant must comply with the Corps' requirements for compensatory mitigation for the impacts to jurisdictional waters if required.

Application Fee Provided: A certification fee of \$5,250 was submitted on 14 February 2007 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e). No additional fees are required for the project amendments due to minor project changes and no permanent impacts associated with the project.